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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No.: 21-cr-0217 KJM
Plaintiff,)	STIPULATION AND ORDER TO
)	CONTINUE STATUS CONFERENCE
v.)	
ALBERTO VELAZQUEZ,)	Date: March 7, 2022
)	Time: 9:00 a.m.
)	Judge: Hon. Mueller
Defendant.)	

STIPULATION

The United States of America through its undersigned counsel, Alstyn Bennett, Assistant United States Attorney, together with Dina Santos, counsel for Alberto Velazquez, hereby stipulate the following:

1. The Status Conference was previously set for January 10, 2022. By this stipulation, the parties now move to continue the Status Conference to March 7, 2022, at 9:00 a.m. and to exclude time between January 10, 2021, and March 7, 2022, under the Local Code T-4 (to allow defense counsel time to prepare).
2. The parties agree and stipulate, and request the Court find the following:
 - a. A continuance is requested because counsel for the defendant needs additional time to continue to review the discovery, continue to conduct investigation, and continue in negotiations with the Government.

- 1 b. Counsel for the defendant believes the failure to grant a continuance in this
2 case would deny defense counsel reasonable time necessary for effective
3 preparation, taking into account the exercise of due diligence.
- 4 c. The Government does not object to the continuance.
- 5 d. Based on the above-stated findings, the ends of justice served by granting the
6 requested continuance outweigh the best interests of the public and the
7 defendant in a speedy trial within the original date prescribed by the Speedy
8 Trial Act.
- 9 e. For the purpose of computing time under the Speedy Trial Act, 18 United
10 States Code Section 3161(h)(7)(A) within which trial must commence, the
11 time period of January 10, 2022, and March 7, 2022, inclusive, is deemed
12 excludable pursuant to 18 United States Code Section 3161(h)(7)(A) and
13 (B)(iv), corresponding to Local Code T-4 because it results from a continuance
14 granted by the Court at defendant's request on the basis of the Court's finding
15 that the ends of justice served by taking such action outweigh the best interest
16 of the public and the defendant in a speedy trial.
- 17 3. Nothing in this stipulation and order shall preclude a finding that other provisions
18 of the Speedy Trial Act dictate that additional time periods are excludable from
19 the period within which a trial must commence.

20
21 **IT IS SO STIPULATED.**

22
23 DATED: January 6, 2022

Phillip A. Talbert
United States Attorney

24
25 /s/ Alstyn Bennett
ALSTYN BENNETT
Assistant U.S. Attorney

26
27 DATE: January 6, 2022

/s/ Dina Santos
DINA SANTOS
Attorney for Alberto Velazquez

ORDER

The Court has read and considered the Stipulation Regarding Excludable Time Period Pursuant to Speedy Trial Act, filed by the parties in this matter. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that provide good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

The Court further finds that: (i) the ends of justice served by the continuance outweigh the best interest of the public and defendant in a speedy trial; and (ii) failure to grant the continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Nothing in this Order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excluded from the period within which trial must commence.

IT IS SO ORDERED.

DATED: January 12, 2022.



CHIEF UNITED STATES DISTRICT JUDGE